

# **EXHIBIT A**

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF WISCONSIN

= = = = =

JOSHUA ADAM SCHULTZ,

Plaintiff,

-vs-

Civil Action No. 14-0261

TRANS UNION, LLC, ET AL.,

Defendants.

= = = = =

Deposition of:

BETH ERICKSON

Madison, Wisconsin  
November 20, 2014

Reported by: Taunia Northouse, RDR, CRR

**Deposition of BETH ERICKSON - November 20, 2014**

1 pending, you need to answer the question before we  
2 take a break. Do you understand that?

3 A Yes.

4 Q Are you on any medications, or do you have any  
5 mental or physical conditions that would prohibit  
6 you from telling the truth today?

7 A No.

8 Q Am I correct that you are the vice president of  
9 Repayment Solutions and Default Collections?

10 A Yes.

11 Q How long have you worked -- how long have you had  
12 that title?

13 A 12 years.

14 Q Did you work for the company prior to that?

15 A Yes.

16 Q How long in total have you worked for the company?

17 A 21 years.

18 Q And when I say "the company," you work for  
19 Great Lakes Higher Education Guaranty Corp?

20 A Yes.

21 Q Okay. Prior to being the vice president of  
22 Repayment Solutions and Default Collections, what  
23 was your job title?

24 A Business analyst.

25 Q How long did you hold that position?

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1 A No.

2 Q Where is the call center staff located?

3 A In Madison, Wisconsin.

4 Q And all of the call center staff employees are  
5 Guaranty Corp employees?

6 A Yes.

7 Q What is your understanding of the relationship  
8 between Great Lakes Higher Education Guaranty Corp  
9 and Great Lakes Education Loan Services, Inc.?

10 A Specific to my duties and my department's duties?

11 Q Well, generally -- why don't we just take a break  
12 for a minute.

13 (Discussion off the record).

14 MR. GORSKI: Back on the record.

15 By Mr. Gorski: (Continuing)

16 Q I'm just asking you generally what your  
17 understanding is of the business relationship  
18 between these two companies.

19 A So we are -- the Guaranty Corporation is a  
20 guarantor under the Federal Family Education Loan  
21 Program. And some of our borrowers who are  
22 guaranteed by us are also serviced by Great Lakes  
23 Educational Loan Services, Inc.

24 Q When you say you're the guarantor, you mean that  
25 Great Lakes is the company that lent the student

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1 A whoever is servicing the loan.

2 Q So then it goes back to the servicer who the  
3 lender originally chose?

4 A Yes.

5 Q And if I understand you correctly, Great Lakes  
6 Higher Education Guaranty Corp, when it is  
7 required or decides to engage in these collection  
8 activities on delinquent loans that it's  
9 guaranteed, uses Great Lakes Education Loan  
10 Servicing to do those collections?

11 A No.

12 Q Then can you clarify again what the relationship  
13 then is between Great Lakes Education Loan  
14 Services and Great Lakes Higher Education Guaranty  
15 Corp in that context?

16 A I would call it a relationship between Great Lakes  
17 Higher Education Guaranty Corp and whoever is  
18 servicing the loan, which may be Great Lakes  
19 Educational Loan Services.

20 Q Okay. So if I understand you correctly,  
21 Great Lakes Education Loan Services may service  
22 loans that Great Lakes Higher Education Guaranty  
23 Corp has not yet received and, you know, begun its  
24 collection activity on? It may be doing it for  
25 lenders at a point when the loans are in good

1 collection activities.

2 Q Because the servicer may have been the original  
3 servicer for the -- strike that. Because  
4 Great Lakes Education Loan Services may have been  
5 the original servicer for the loan?

6 A May be the servicer for the loan.

7 Q So just to make sure I understand you correctly,  
8 Great Lakes Higher Education Corp doesn't use  
9 Great Lakes Education Loan Services as a conduit  
10 to do the collection activities?

11 A Correct.

12 Q But in some circumstances both entities are  
13 collecting on the same debt because both have some  
14 relationship with the debt where they're required  
15 to do so?

16 A Yes.

17 Q Great Lakes Higher Education Guaranty Corp and  
18 Great Lakes Education Loan Services are  
19 subsidiaries of a parent company?

20 A Yes.

21 Q And the parent company's name is?

22 A Great Lakes Higher Education.

23 Q Just Great Lakes Higher Education Corp?

24 A Education Corp -- Corp.

25 Q Do you know whether or not Great Lakes Education

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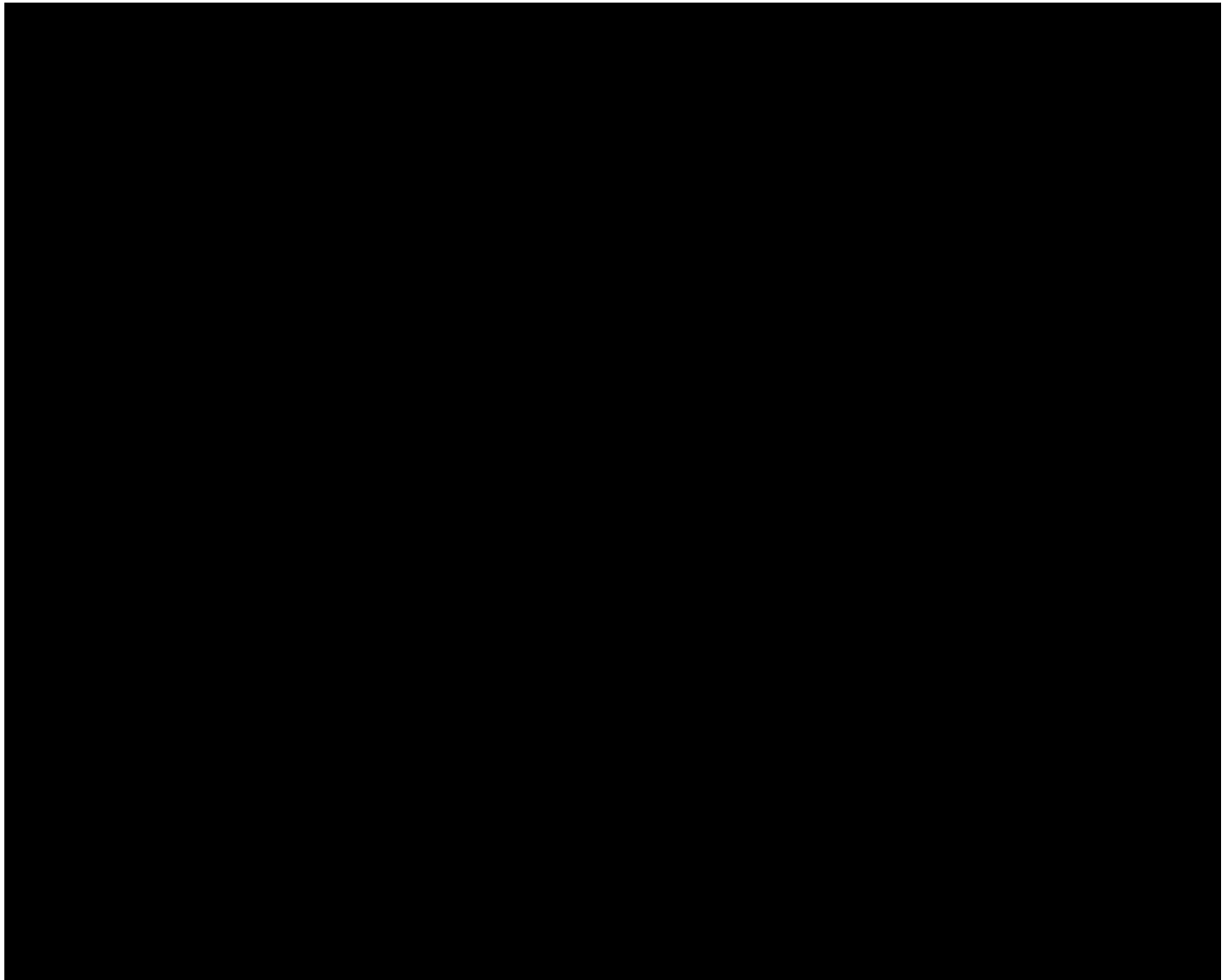
1           Loan Services services any loans that are not  
2           guaranteed by Great Lakes Higher Education  
3           Guaranty Corp?

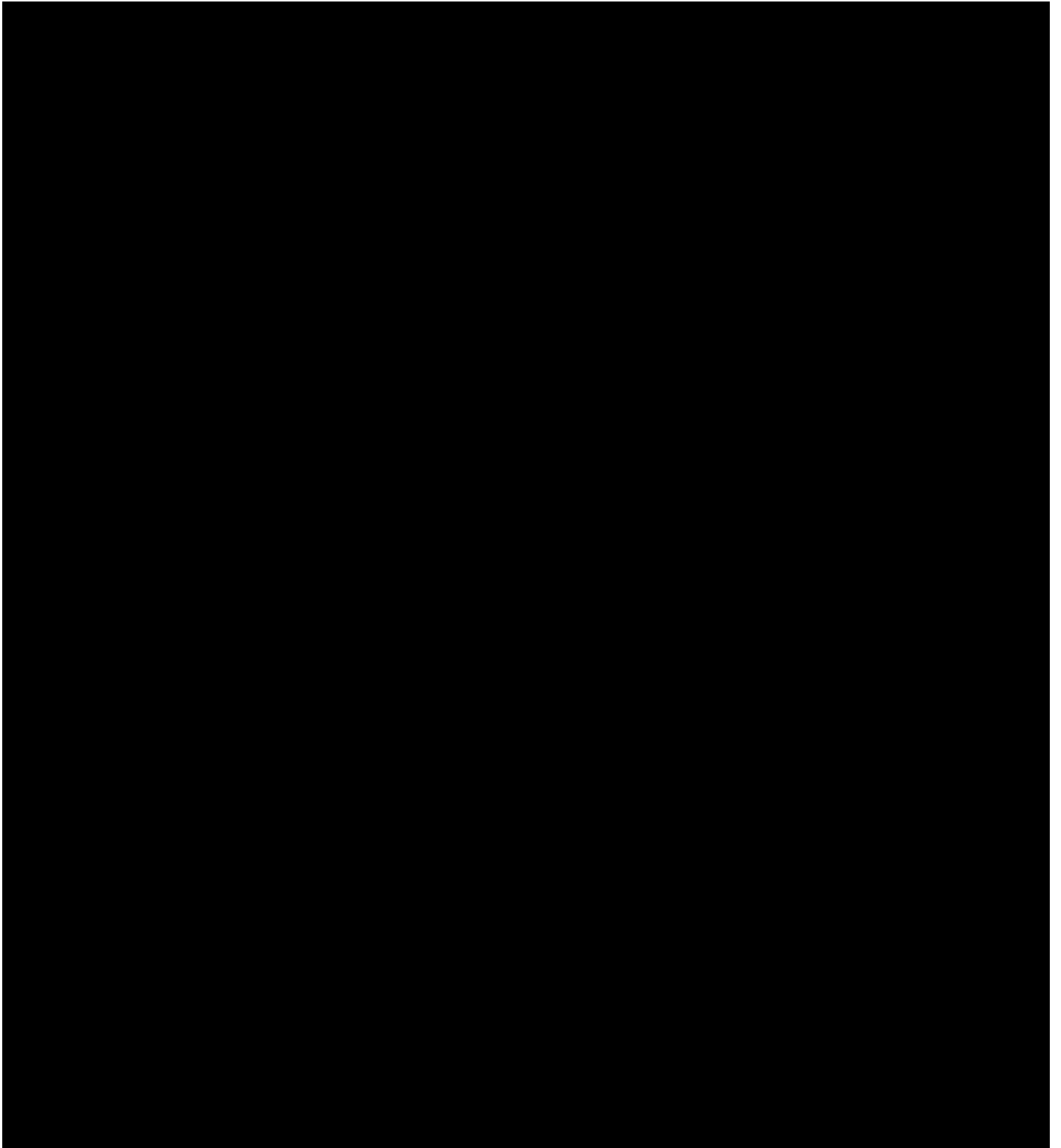
4    A    Yes.

5    Q    They do?

6    A    Yes.

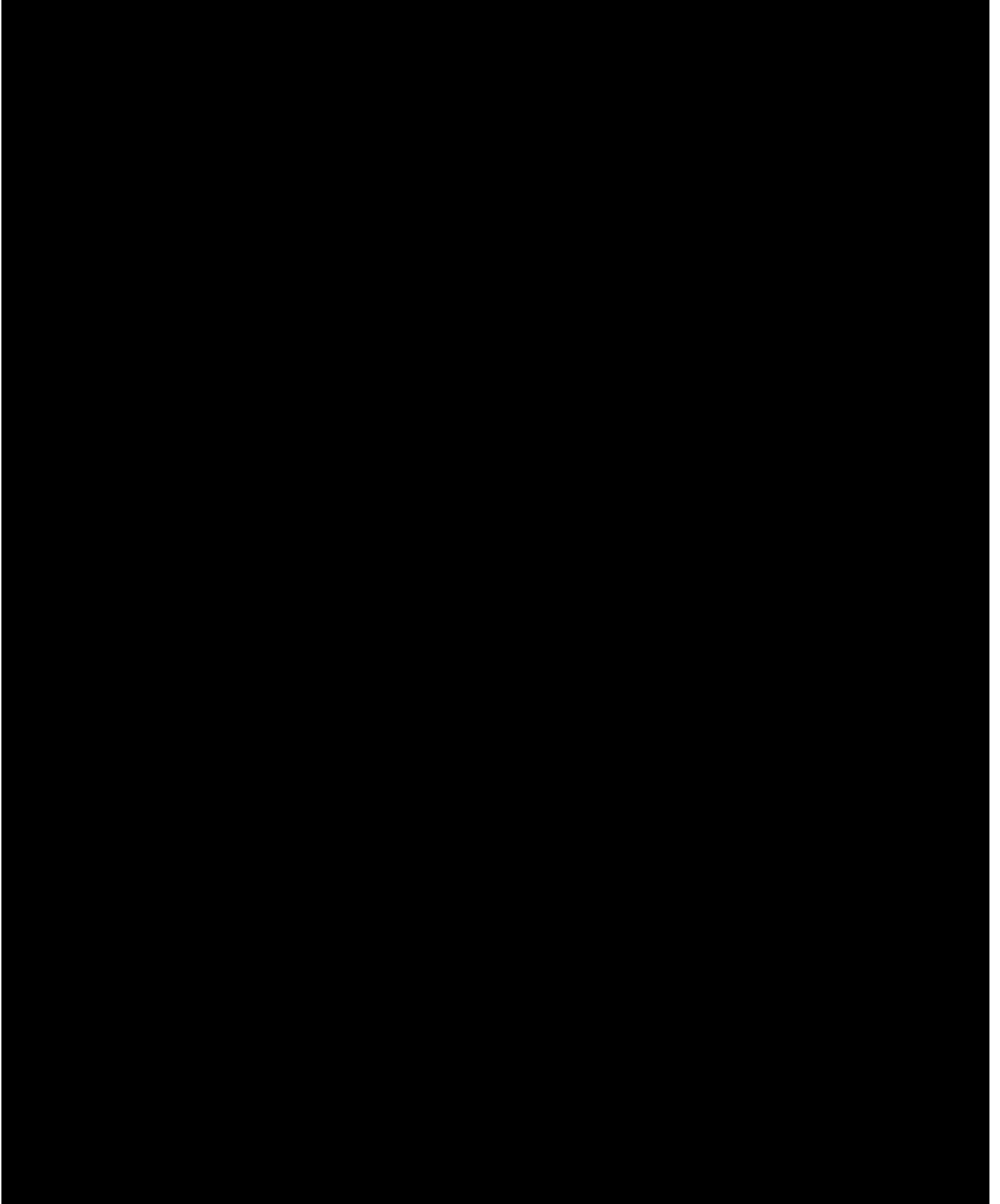
7    Q    Okay.  what's your understanding of how the  
8           student loan or loans belonging to

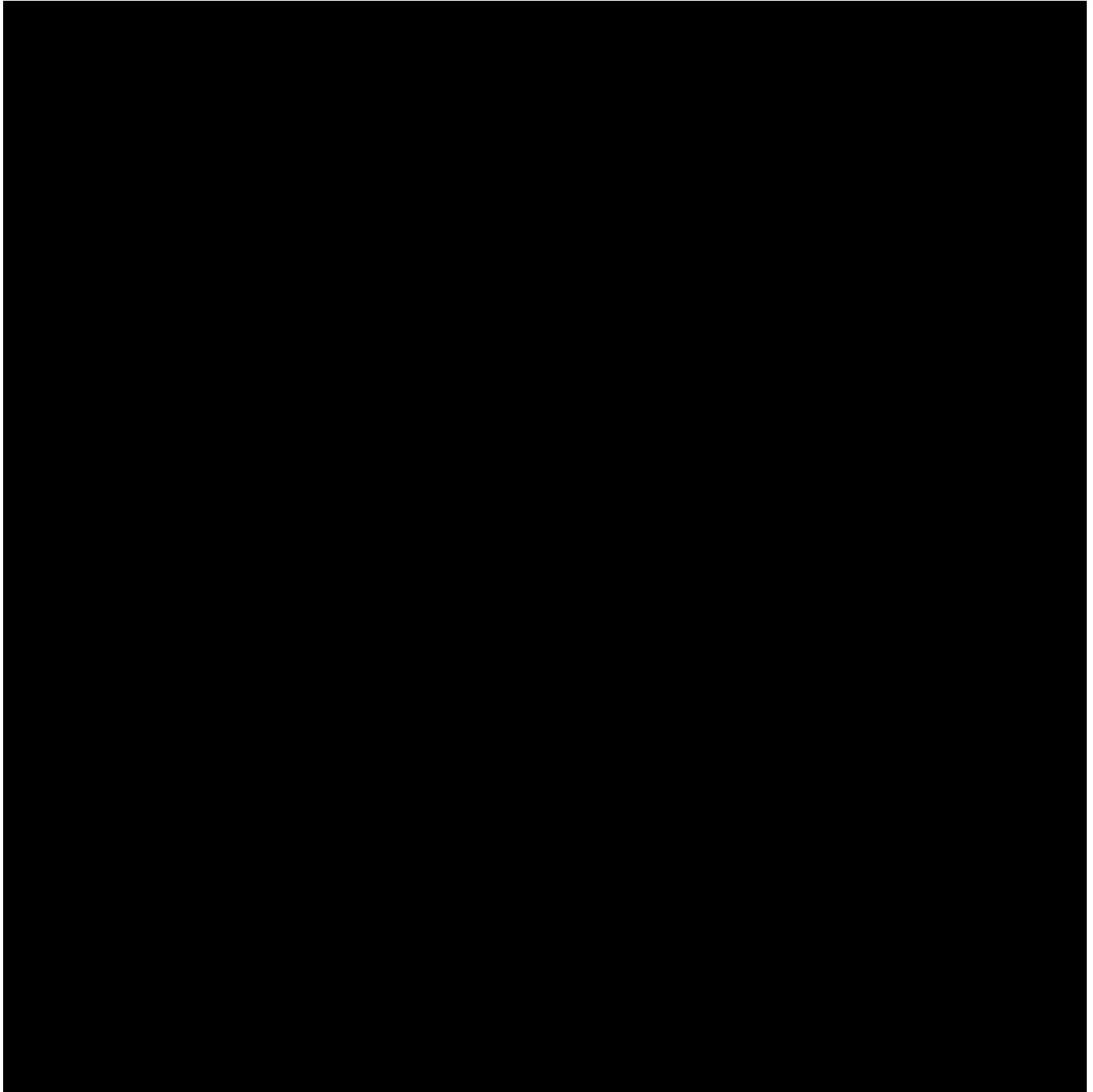




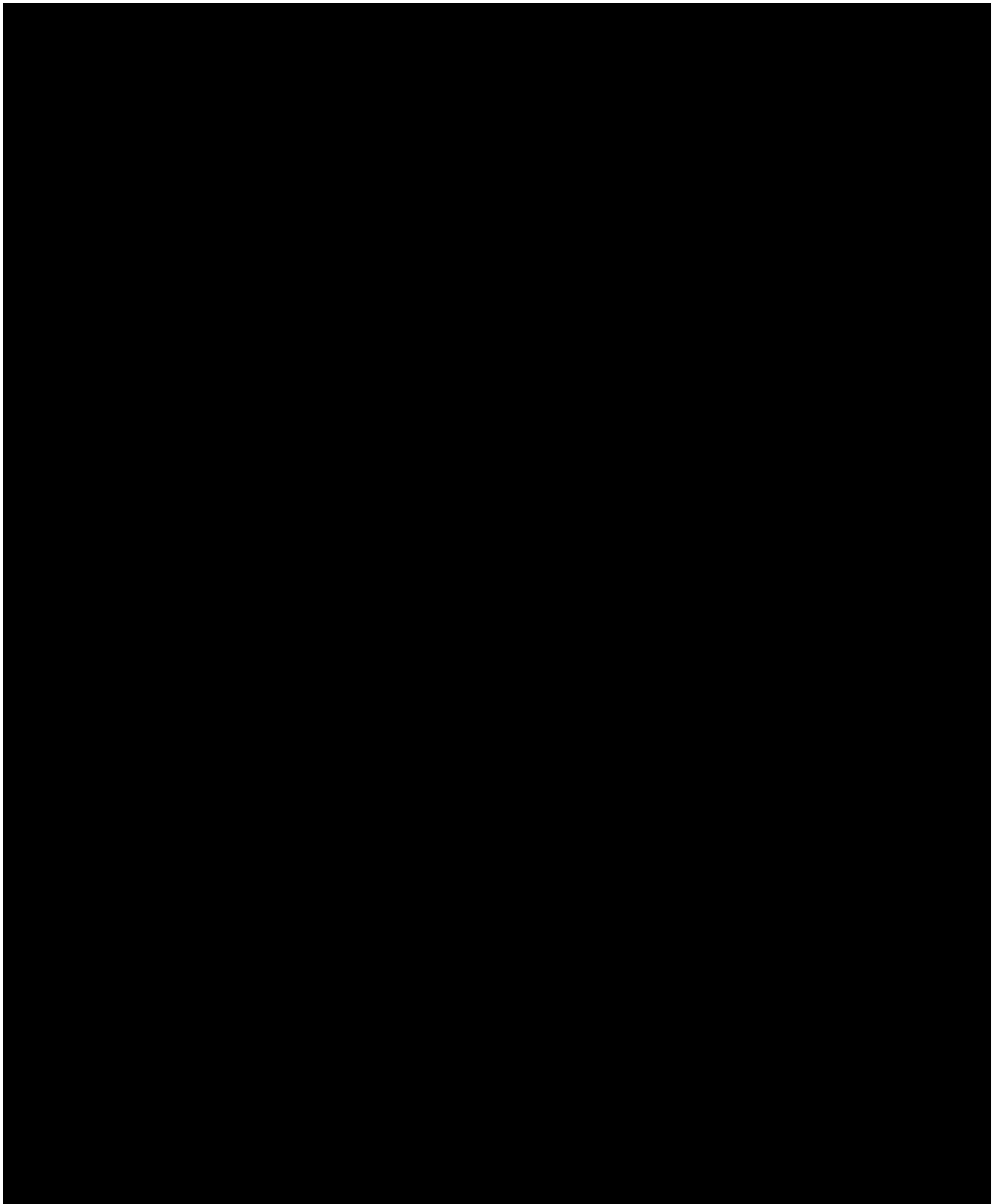
24 MS. ST. JOHN: Do you object to my  
25 helping her, directing her to some documents?







22 Q And to the best of your knowledge, Great Lakes  
23 Higher Education itself didn't engage in any  
24 collection activity or servicing activity on the  
25 loans belonging to the plaintiff?



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1 contact information, deleting incorrect contact  
2 information, are those policies or procedures  
3 uniform between Guaranty Corp and GLELSI?

4 A I'm unable to answer that question.

5 Q You don't know?

6 A I don't know.

7 Q So what you're saying, that your knowledge is  
8 limited to what Guaranty Corp's policies are?

9 A Yes.

10 Q As you sit here today, you don't know whether  
11 Guaranty Corp's policies are the same or different  
12 from GLELSI's?

13 A Yes.

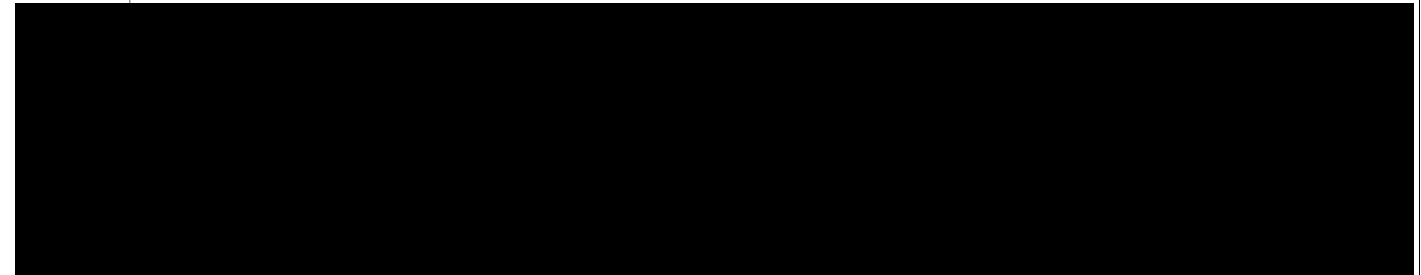
14 Q Yes, you don't know?

15 A Yes, I don't know.

16 Q Okay. Ms. Erickson, I'd like you to refer to the  
17 document within the exhibit that has been Bates  
18 stamped GL 1599. Do you have that in front of  
19 you?

20 A Yes.

21 Q Can you tell me what this is?



5 Q So your basis for that is the information that's  
6 written on this piece of paper?

7 A Correct.

8 Q Now, more specifically, what is being documented  
9 on this piece of paper?

10 A Documented are the dates in which calls were made  
11 or received to specific numbers.

12 Q Am I correct that these -- strike that. Am I  
13 correct that the dates that appear on this sheet  
14 are memorializing calls that were placed to the  
15 telephone number 715-379-9195?

16 A Yes.

17 Q As you sit here today, do you understand that  
18 number to be the cellular telephone of  
19 Joshua Adam Schultz, the plaintiff?

20 A I do not know that it is a cellular phone number.

21 Q All right. Well, do you, as you sit here today,  
22 understand that the phone number, 715-379-9195, is  
23 a phone number that belongs to  
24 Joshua Adam Schultz, the plaintiff?

25 A Yes.

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1 Q And you're saying that, as you sit here today, you  
2 can't tell me whether or not 715-379-9195 is a  
3 cell phone?

4 A I can only say that because I know the case. Is  
5 that what you're looking for? I can't tell by the  
6 number that it's a cell phone, but I know by the  
7 case that it is.

8 Q All I'm asking you to do is whether you can  
9 acknowledge, as we sit here today, based on your  
10 understanding of the facts, that 715-379-9195 is a  
11 cell phone number.

12 A My understanding of the facts of the case are that  
13 that is a cell phone number.

14 Q Am I correct that this document is memorializing  
15 that calls were being placed to 715-379-9195,  
16 which as we've discussed is the plaintiff's cell  
17 phone, in connection with a loan belonging to

19 MS. ST. JOHN: I'm going to object  
20 to the form. You can answer.

21 A Yes.

22 Q So as you sit here today, your understanding of  
23 what this document represents would be that this  
24 document is memorializing calls that were placed  
25 to the cell phone of plaintiff who was a

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1 nonborrower in connection with this particular  
2 loan?

3 MS. ST. JOHN: Again, object to the  
4 form. You can answer.

5 A Yes.

6 Q I'd like to go through each column specifically.  
7 Starting all the way at the left, there is a  
8 column that says that -- the top heading is  
9 "GLELSI phone activity," provides the plaintiff's  
10 cell phone number, and then the left column says  
11 "Dialer called - no message left." Do you see  
12 that?

13 A Yes.

14 Q What is that memorializing?

15 A I don't know that I should speak on behalf of  
16 GLELSI. I can certainly speak to the  
17 Repayment Solutions calls on the right.

18 Q So you're saying that, as you sit here today, you  
19 do not possess enough knowledge to tell me what  
20 that means?

21 A I can tell you it's no message left.

22 Q Okay.

23 A It's very similar to ours.

24 Q Well, you know what, why don't we just start on  
25 the right-hand side of the paper and maybe we'll

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1 work our way back. So let's start instead on the  
2 middle of the page that begins with the header  
3 "Repayment Solutions phone activity," and then it  
4 makes reference to plaintiff's cell phone number.  
5 And then there is a column that says "Dialer  
6 called - no answer." Do you see that?

7 A Yes.

8 Q And why is it titled "Repayment Solutions"?

9 A The Guaranty Corp, that is my department name.

10 Q So your department specifically inside of  
11 Guaranty Corp is called Repayment Solutions?

12 A Yes.

13 Q What's your understanding of what is being  
14 documented in the first column under "Dialer  
15 called - no answer"?

16 A My understanding is, is that the number was called  
17 and there was no answer for each time called on  
18 each of the dates listed.

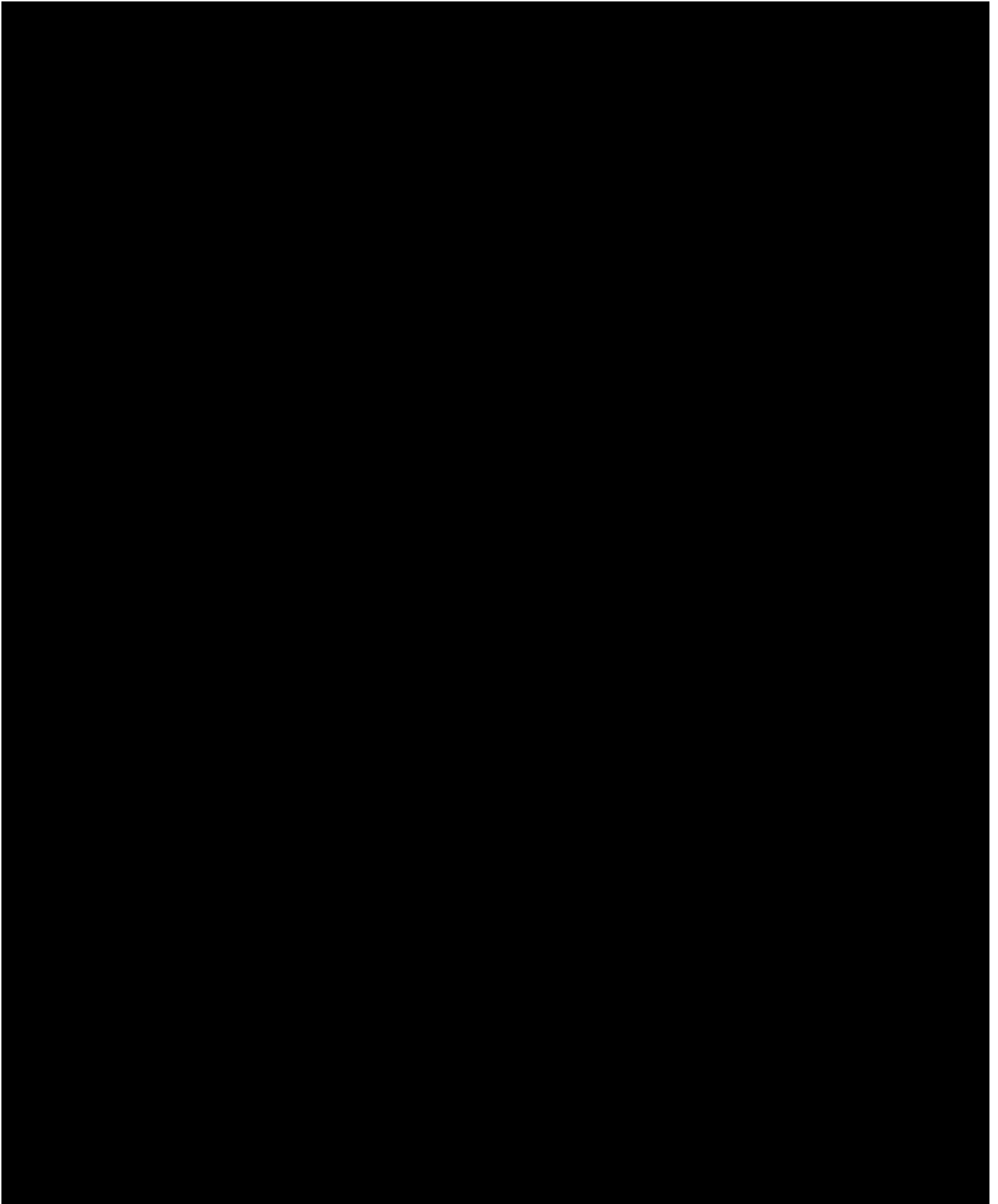
19 Q And it appears that it is tabulated that that was  
20 done 15 times; correct?

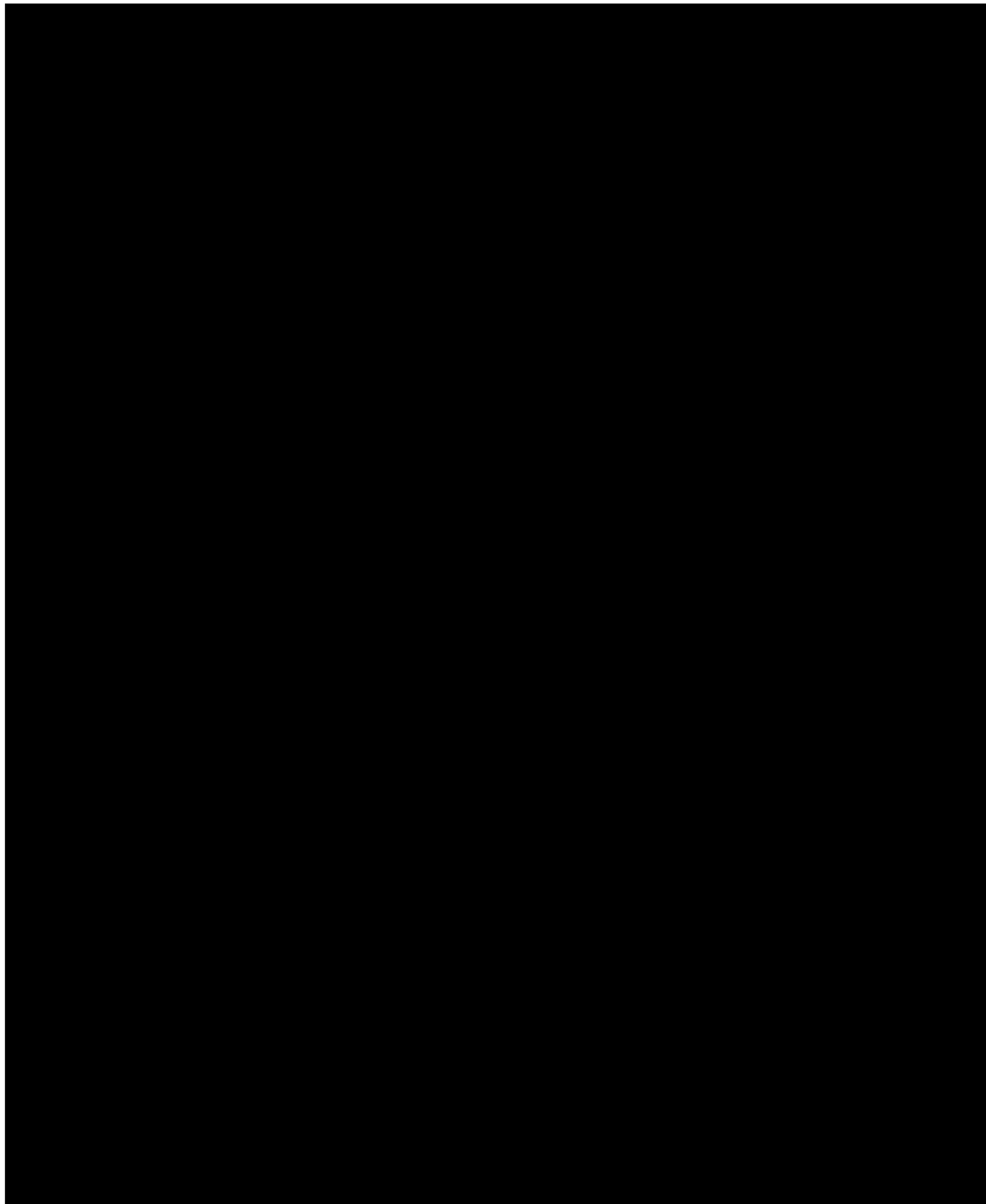
21 A Yes.

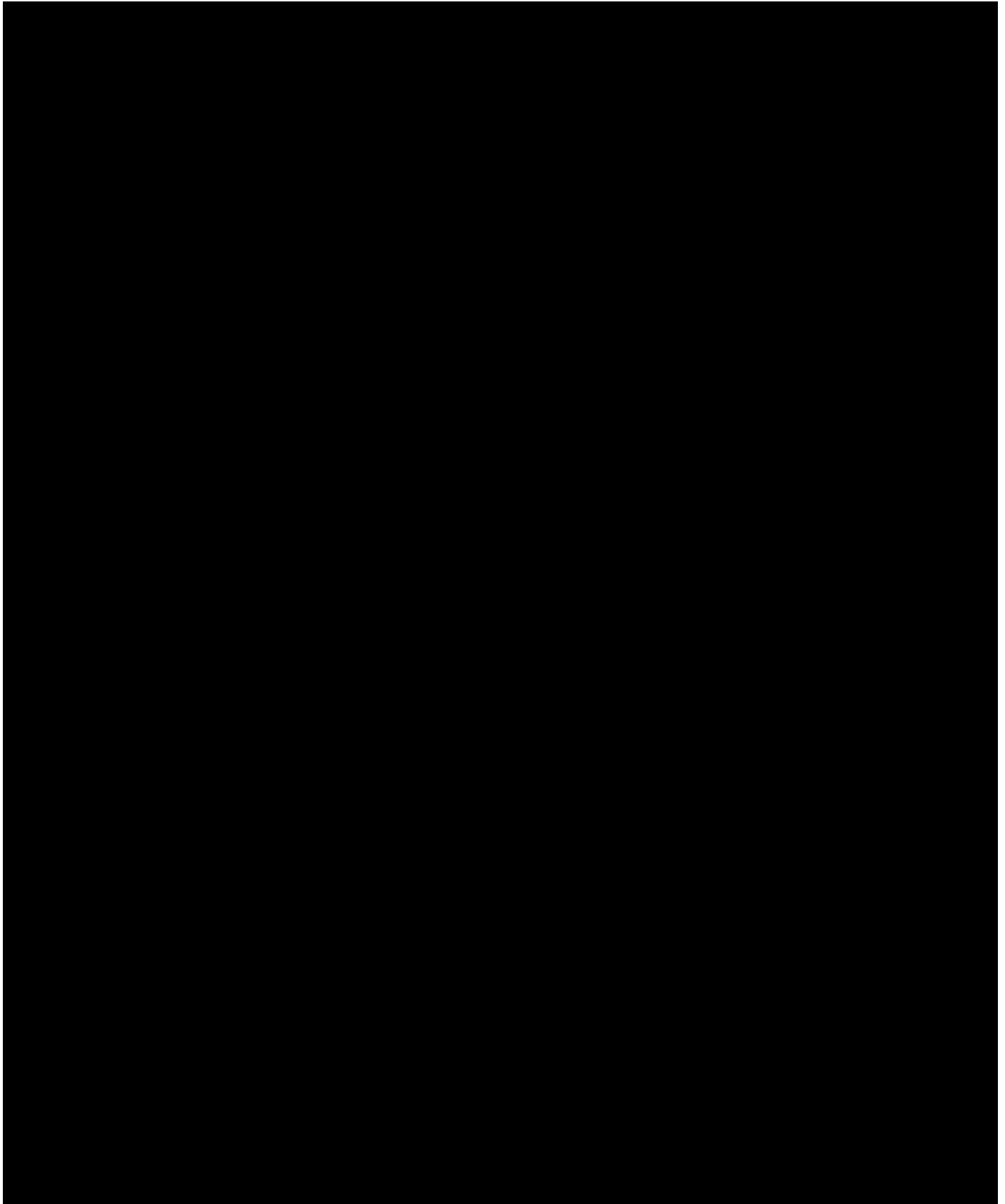
22 Q What does "dialer called" mean?

23 A It means that the telephone -- the  
24 telecommunications system had been given the  
25 borrower and the number to contact.









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1 attorneys.

2 A I cannot.

3 Q So you're saying as the vice president of  
4 Repayment Solutions, you have insufficient  
5 personal knowledge of whether the computer system  
6 that I just described could be considered an  
7 automated telephone dialing system?

8 A Yes.

9 MS. ST. JOHN: I'm going to -- and  
10 I was going to object to form.

11 THE WITNESS: I'm sorry.

12 MS. ST. JOHN: That's okay.

13 Q Let's go to the second column. The column is  
14 entitled "Dialer called" -- let me start over  
15 again. The title is -- it's entitled "Dialer  
16 called," and then shorthand it says "answering  
17 machine," and then shorthand it says "no message  
18 left." Is that correct?

19 A Yes.

20 Q What is that row or column memorializing?

21 A That is saying that a call was made, there was an  
22 answering machine, no message would be left.

23 Q And the document tabulates the number of times  
24 that was done, and it was 41 times; correct?

25 A Yes.

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1 Q Now, the paragraph is entitled "dialer" again.  
2 Now, when this paragraph -- sorry. Strike that.  
3 This column is entitled "Dialer called" also.  
4 with respect to that designation and based on what  
5 we just discussed about the prior column, are we  
6 talking about the same thing?

7 A Can you clarify that for me, "same thing"?

8 Q When it says "Dialer called" in column 1, and when  
9 it says "Dialer called" in column 2, are we  
10 talking about the same dialer system?

11 A We are talking about the same, yes,  
12 telecommunication system.

13 Q And then there is a third column that says "RS,"  
14 and then it says "TT BORR." Can you translate  
15 that for me?

16 A That is Repayment Solutions talked to borrower.  
17 That was an inbound call.

18 Q So Column No. 3 represents a call that was made to  
19 Repayment Solutions?

20 A Yes.

21 Q And I'm going to assume that the system that  
22 tracks incoming calls was able to identify that  
23 the call was made from the telephone number above?

24 A The telephone -- yes.

25 Q I'm not going to ask you to go through what's on

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1 the left-hand side because you said that it's  
2 related to GLELSI. So I'm not going to go through  
3 each column. But with respect to the column  
4 titles "Dialer called" and "Dialer called," is it  
5 your understanding, based on your knowledge of  
6 this document, that when it's making reference to  
7 the dialers in those two columns, we're talking  
8 about the same dialing system that we've already  
9 discussed?

11 Q Right. The same dialing system we've already  
12 discussed?

13 A Yes.

14 Q And then again with respect to the GLELSI  
15 information that's on the left-hand side of the  
16 document, the third column there, "BS TT BORR,"  
17 that is a column that relates to incoming  
18 telephone calls?

19 A I cannot answer that.

20 Q You don't know one way or the other?

21 A I don't know one way or the other.

22 Q Okay. And with respect to Repayment Solutions,  
23 can we agree that -- strike that. And with  
24 respect to the Repayment Solutions data on this  
25 sheet, can we agree that the dialer placed 56

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1 telephone calls to 715-379-9195 between  
2 November 7th, 2011, and February 16th, 2012?

3 A Yes.

4 Q Do you agree that Joshua Adam Schultz, the  
5 plaintiff, obviously never gave consent to  
6 Repayment Solutions or anyone else to be called

8 A Just state that one more time for me, please.

9 Q Do you agree that Joshua Adam Schultz, the  
10 plaintiff, never gave consent to Guaranty Corp or  
11 anyone else to be called on this particular  
12 telephone number in relation to a debt belonging

14 A Again, he did not -- you're asking that he did not  
15 give that number in regards to

17 no to that. I'd have to say no.

18 Q You're saying no, that the plaintiff, never gave  
19 any consent to be called at the number we're  
20 talking about here about that's belonging to

22 A I think you asked me if he did give us that phone  
23 number or not; right? So yes, he did give us this  
24 phone number.

25 Q That's not what I'm asking.

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1 A Okay.

2 Q I'm asking did Joshua Adam Schultz, the plaintiff,  
3 ever give Guaranty Corp or anybody else consent to  
4 call him about a debt belonging to

6 A Yes.

7 Q You're saying yes?

8 A Yes.

9 Q And when was that?

10 A It was in May of 2011.

11 Q May of 2011?

12 A Yes.

13 Q What are you relying on to make that statement?

14 A Do we have the activity? This activity -- this is  
15 new. I'm sorry. I was looking for the right  
16 activity.

17 MS. ST. JOHN: I should ask you  
18 before I start, I mean, there are so many  
19 documents, I can help direct you to what I  
20 think she's talking about.

21 MR. GORSKI: Go for it.

22 MS. ST. JOHN: But I don't want to  
23 be directing her testimony.

24 Q Have you found a document that you intend to rely  
25 upon to support your answer?



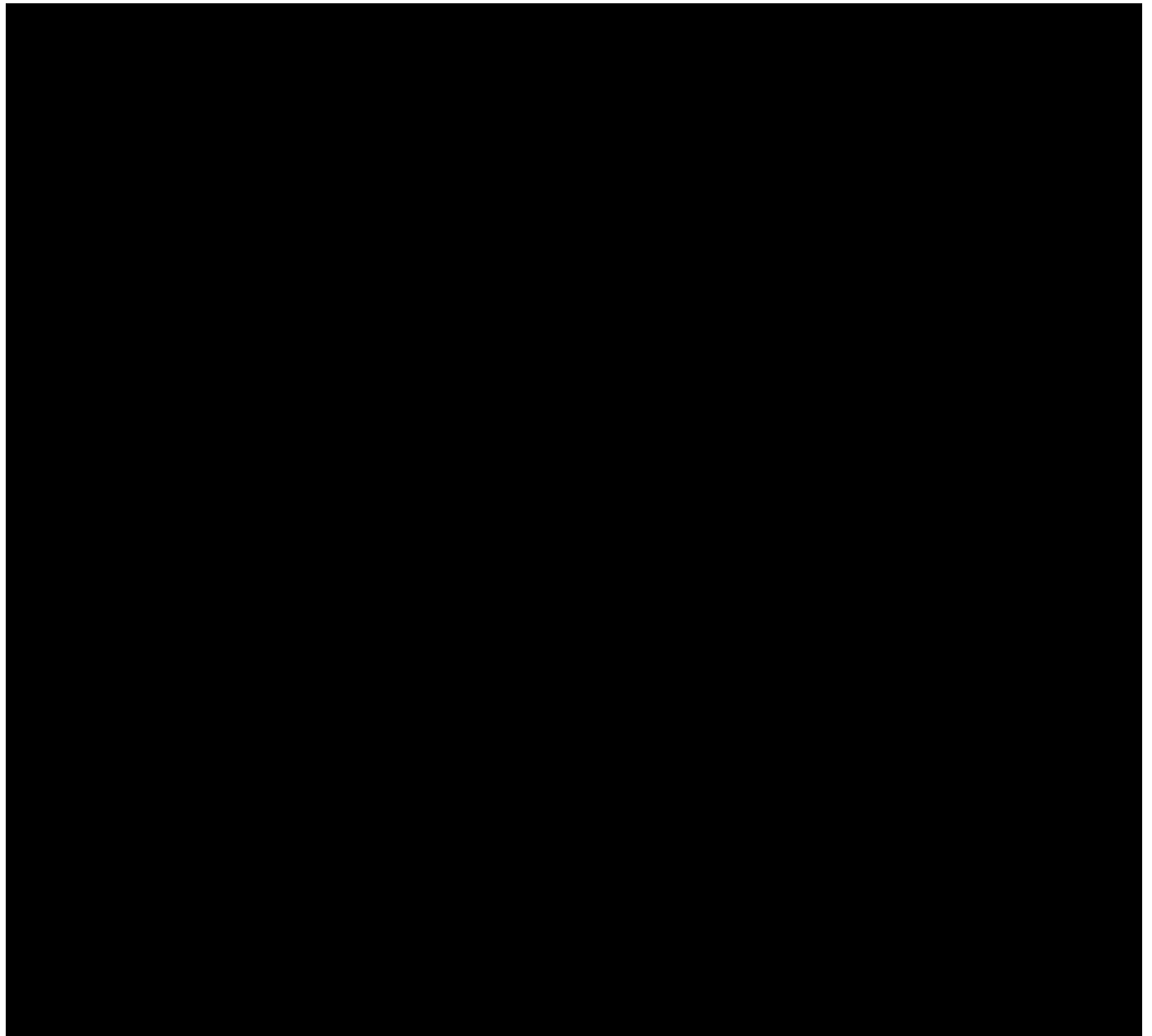
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1 A Yes.

2 Q What document is that?

3 A GL 001593.

4 Q Okay. So let the record reflect that we're now  
5 discussing the document that's been Bates labeled  
6 GL 1593. Can you tell me what this is?



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1 with that number on it?

2 A That certainly could have happened.

3 Q And the result of that May 2011 call is based on  
4 an error of the customer service representative to  
5 presume that the person that she was talking to

7 A I can't answer that.

8 Q And you can't answer it because you don't know  
9 what was said during that conversation at all?

10 A Correct, yes.

11 Q Other than the telephone call that we've discussed  
12 that occurred in May of 2011 in which you're  
13 alleging that plaintiff Joshua Schultz spoke to  
14 somebody at one -- spoke to somebody at the  
15 company, do you have any other information that  
16 supports that Mr. Schultz, the plaintiff, gave his  
17 expressed consent to be contacted at the cellular  
18 telephone number that we've been discussing?

19 A No.

20 Q That is it?

21 A That's it.

22 Q Ms. Erickson, I'd like you to turn to the document  
23 that's been Bates labeled GL 948. Are you there?

24 A Yes.

25 Q Do you agree that this document is similar to the

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1 document that we have previously reviewed,  
2 GL 1599?

3 A Yes.

4 Q And do you understand this to also be a record of  
5 phone calls that were placed to the cellular  
6 telephone number 715-379-1995?

7 A Yes.

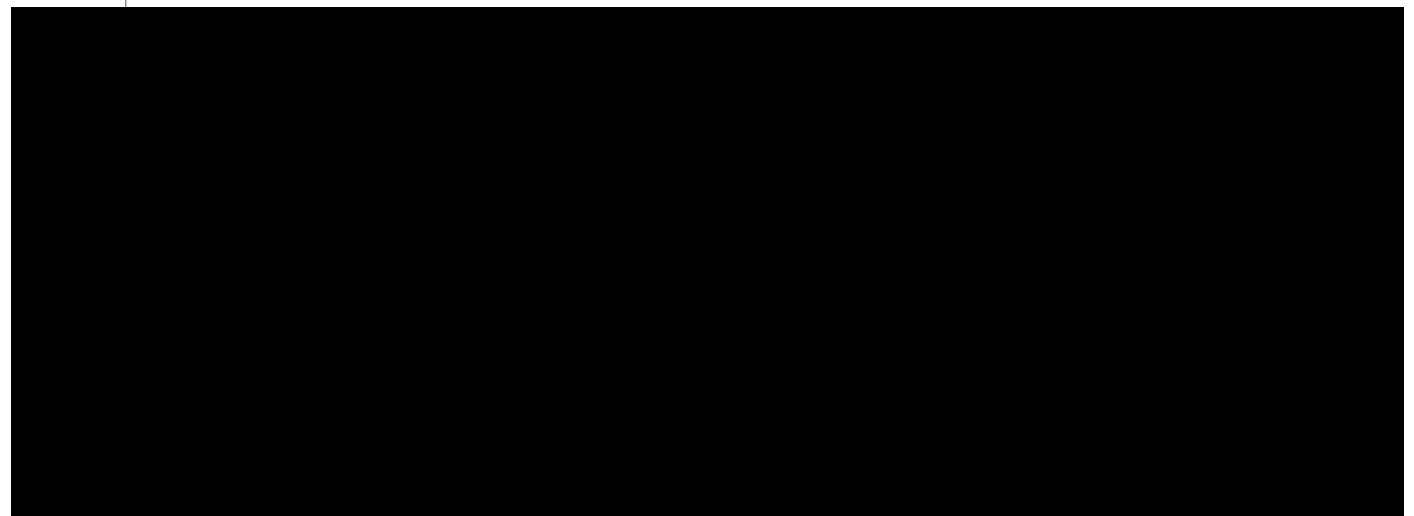
8 Q Are all of these calls that were placed by GLELSI?

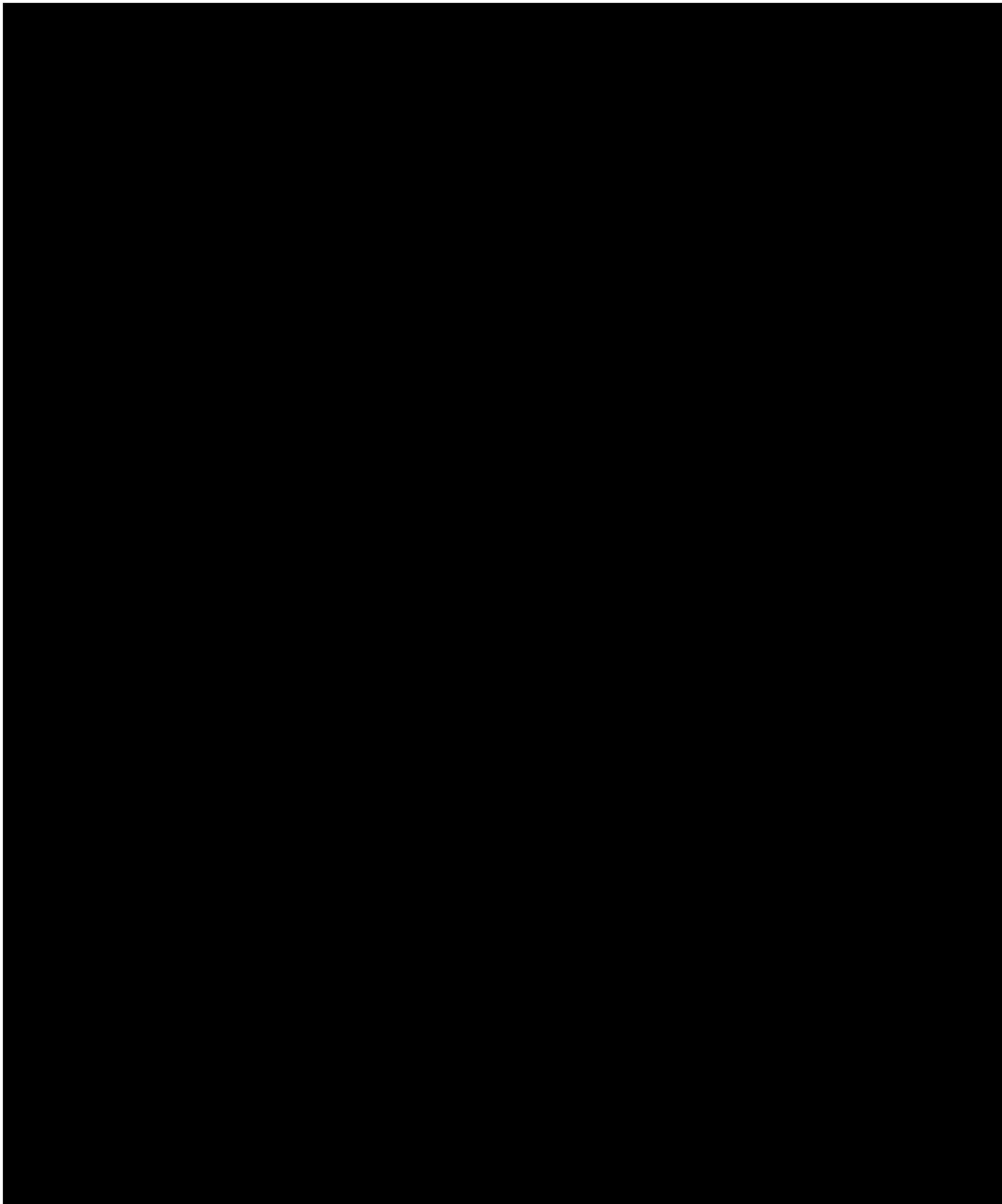
9 A GLELSI or Performant.

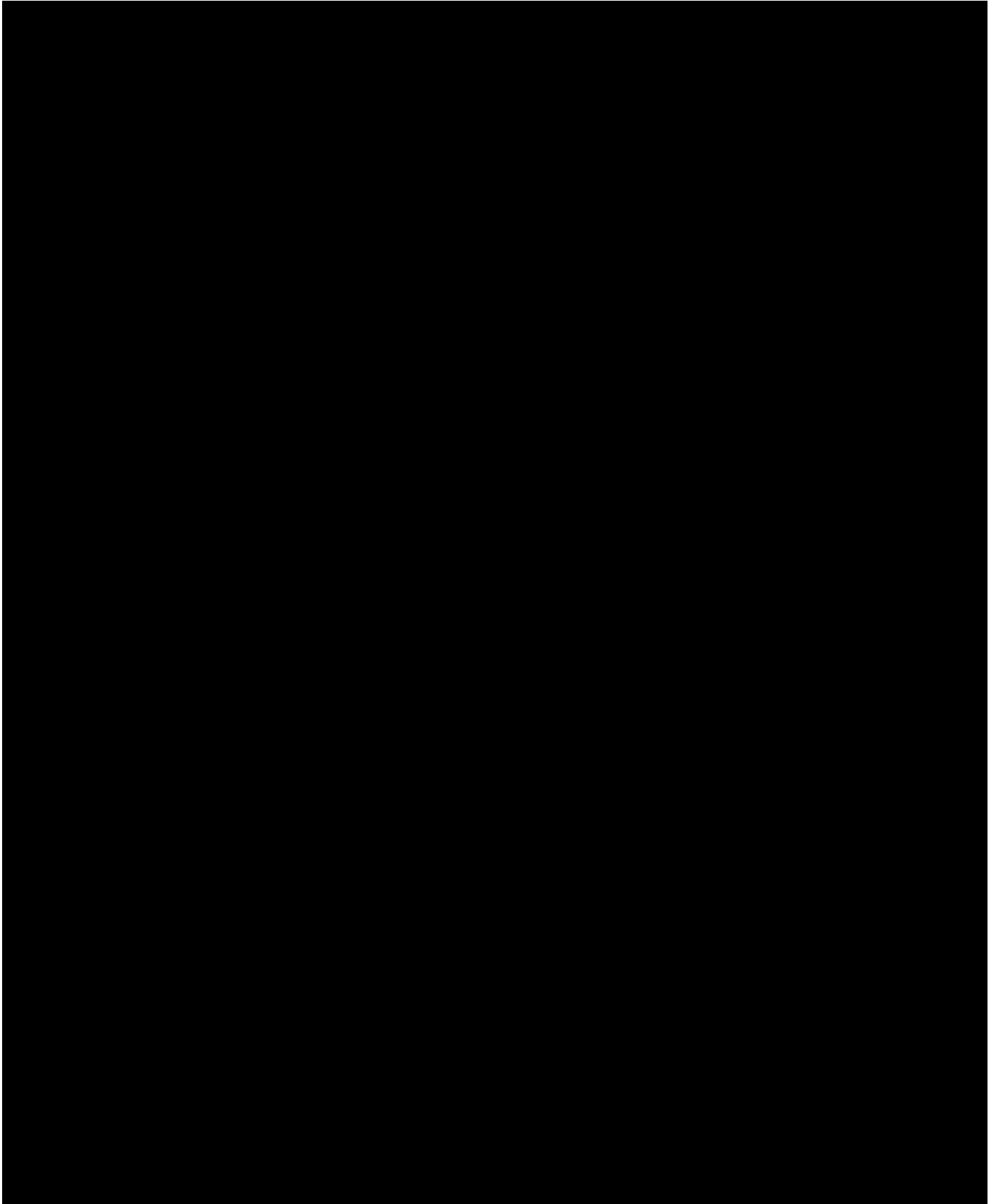
10 Q Performant, you indicated, is the company that  
11 Guaranty Corp uses to assist with collections;  
12 correct?

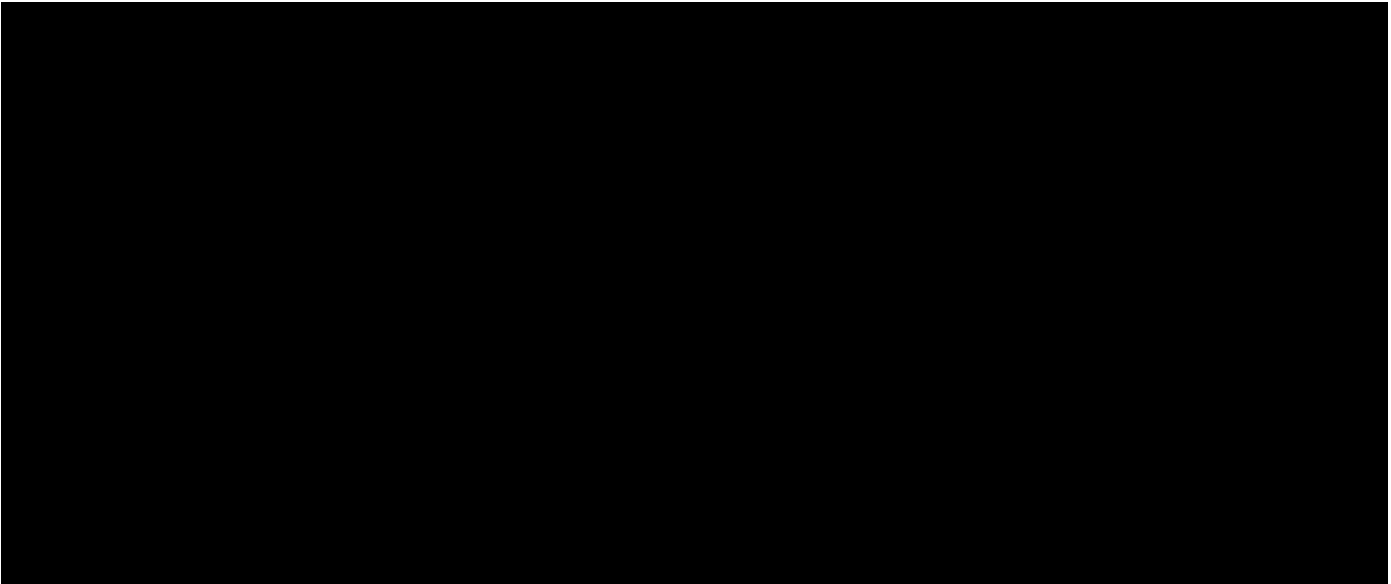
13 A Default collections only. Performant -- default  
14 collections on the Guaranty Corp.

15 Q So the calls that are listed under the ones that  
16 say "Performant dialer," are those calls that are  
17 being made in connection with calls that are









10 Q Did Guaranty Corp have any policies -- strike  
11 that. Do you know what the TCPA is?

12 A Telephone Consumer Protection Act.

13 Q Does the -- to your knowledge, does that statute  
14 have any impact on the way your department engages  
15 in collection activities?

16 A Yes.

17 Q What's your understanding of how it impacts your  
18 department's collection activities?

19 A Which component of the TCPA are we asking about?

20 Q With respect to calls being made to cellular  
21 telephones.

22 A My understanding that we need to -- that we have  
23 consent to contact the borrower, and if we do not,  
24 we need to call them manually.

25 Q Other than your description of the use of this

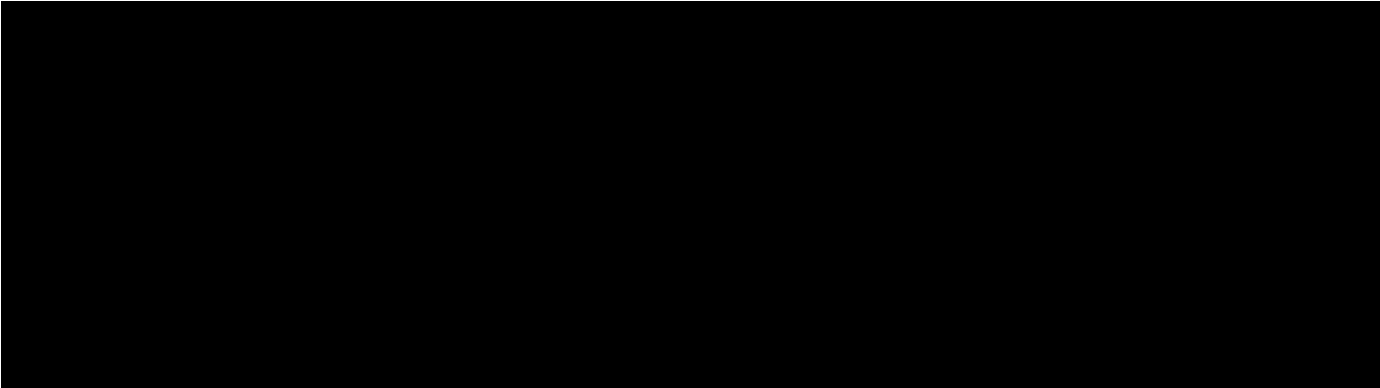
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1 A The referencing back to 16 -- I'm going to  
2 reference the May date again, and I may not have  
3 the right -- I don't think it's in there.

4 Q I know what you're talking about. But you  
5 appreciate that he was receiving letters before  
6 that date?

7 MS. ST. JOHN: I'm going to object  
8 to form too. The same way you're saying  
9 alleged calls, we have alleged allegations  
10 that he's receiving that, but we don't -- go  
11 ahead.

12 Q Assuming that Mr. Schultz, the plaintiff, didn't  
13 somehow manufacture the letters I showed to you,  
14 the letters reflect that letters were sent to  
15 Mr. Schultz, the plaintiff, about



22 A I don't have any understanding of where that came  
23 from.

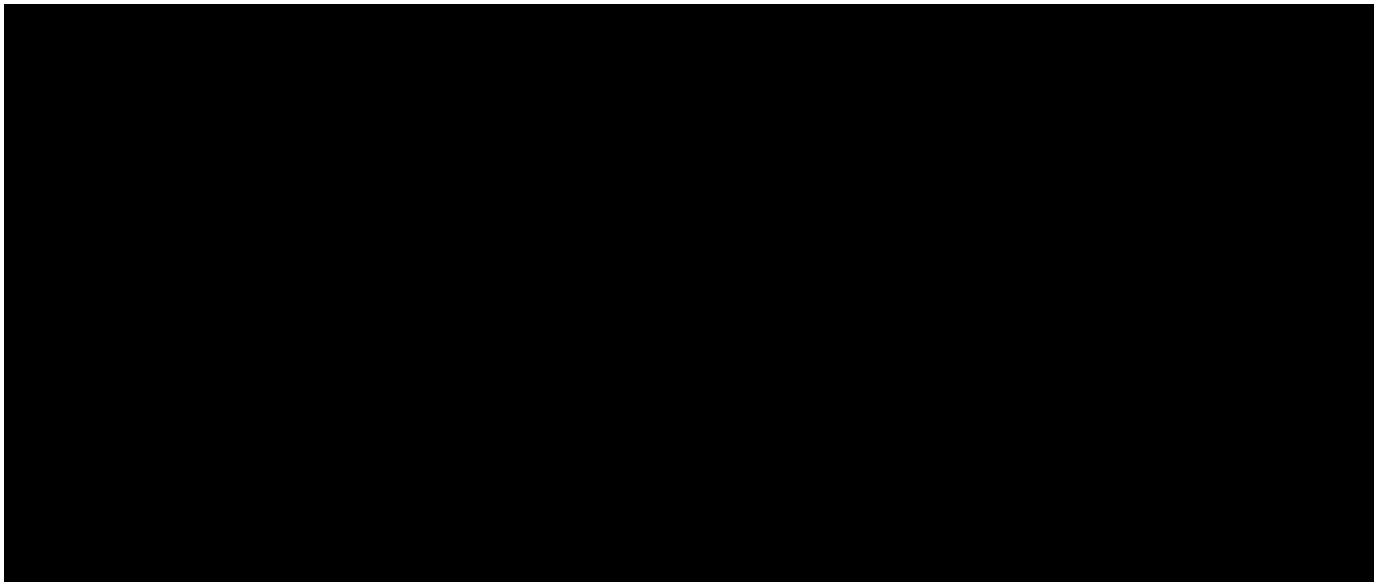
24 Q You don't know how it happened?

25 A I was not involved with this until November of

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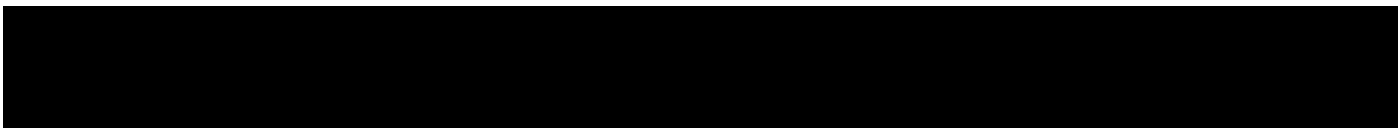
1 Q So it's your testimony that if I want to know the  
2 answer to that question, you're not the best  
3 person to ask? I should ask Jacqueline this  
4 afternoon?

5 A If we're going to look at the corporation as a  
6 whole from the umbrella, yes. Yes.

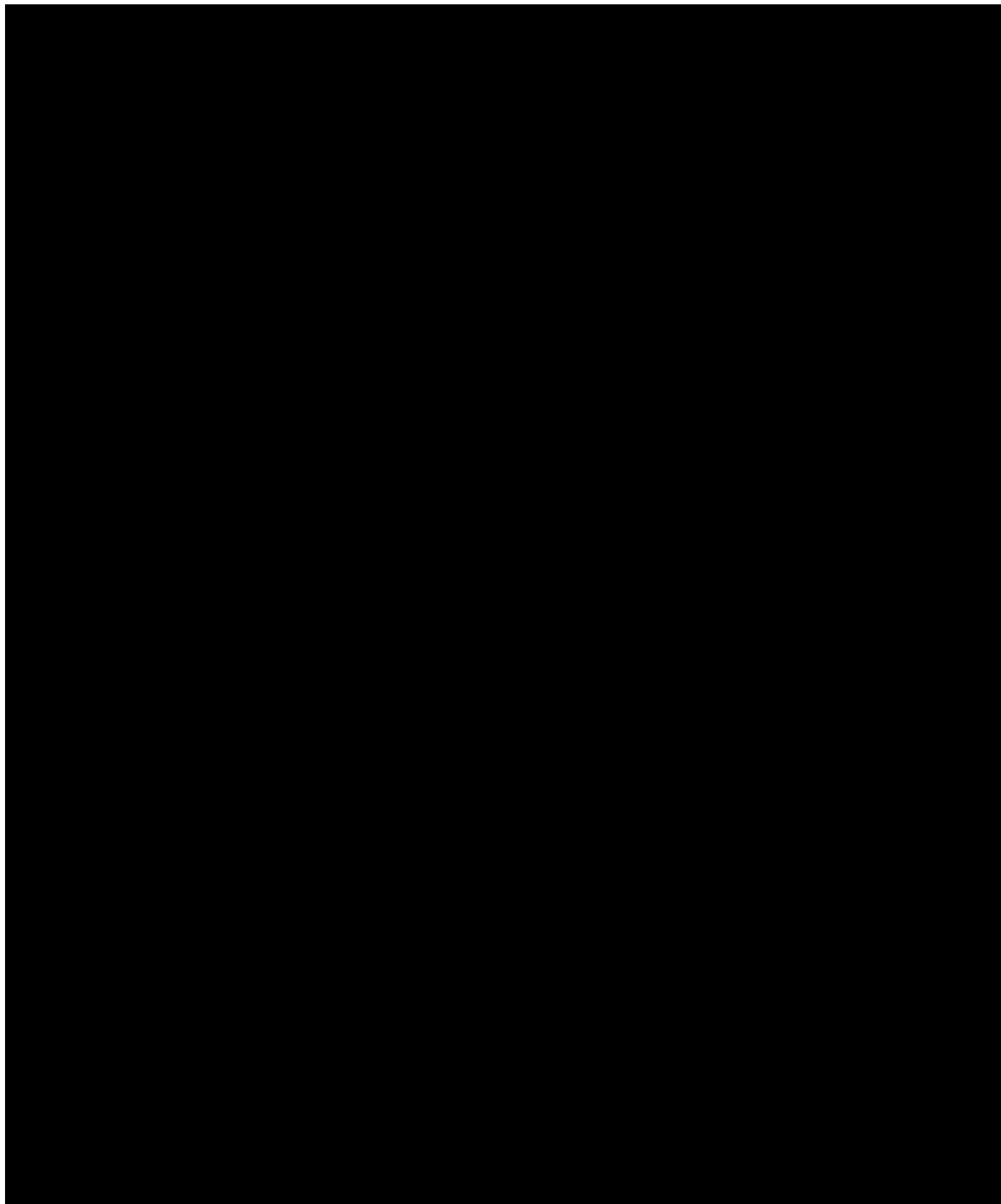


16 A There's no more items that I would add to that  
17 list.

18 Q I'd like you to turn to the document that's been  
19 Bates labeled GL -- I'm sorry, strike that. I'd  
20 like you to turn to the document that's been Bates  
21 labeled GL 12 to GL 14. And I'd like you to take  
22 a look at it and tell me whether you recognize  
23 what it is.







[REDACTED]

13 A Yes.

14 Q Do you agree that Joshua Schultz, the plaintiff,  
15 is not the borrower in connection with the loans

[REDACTED]

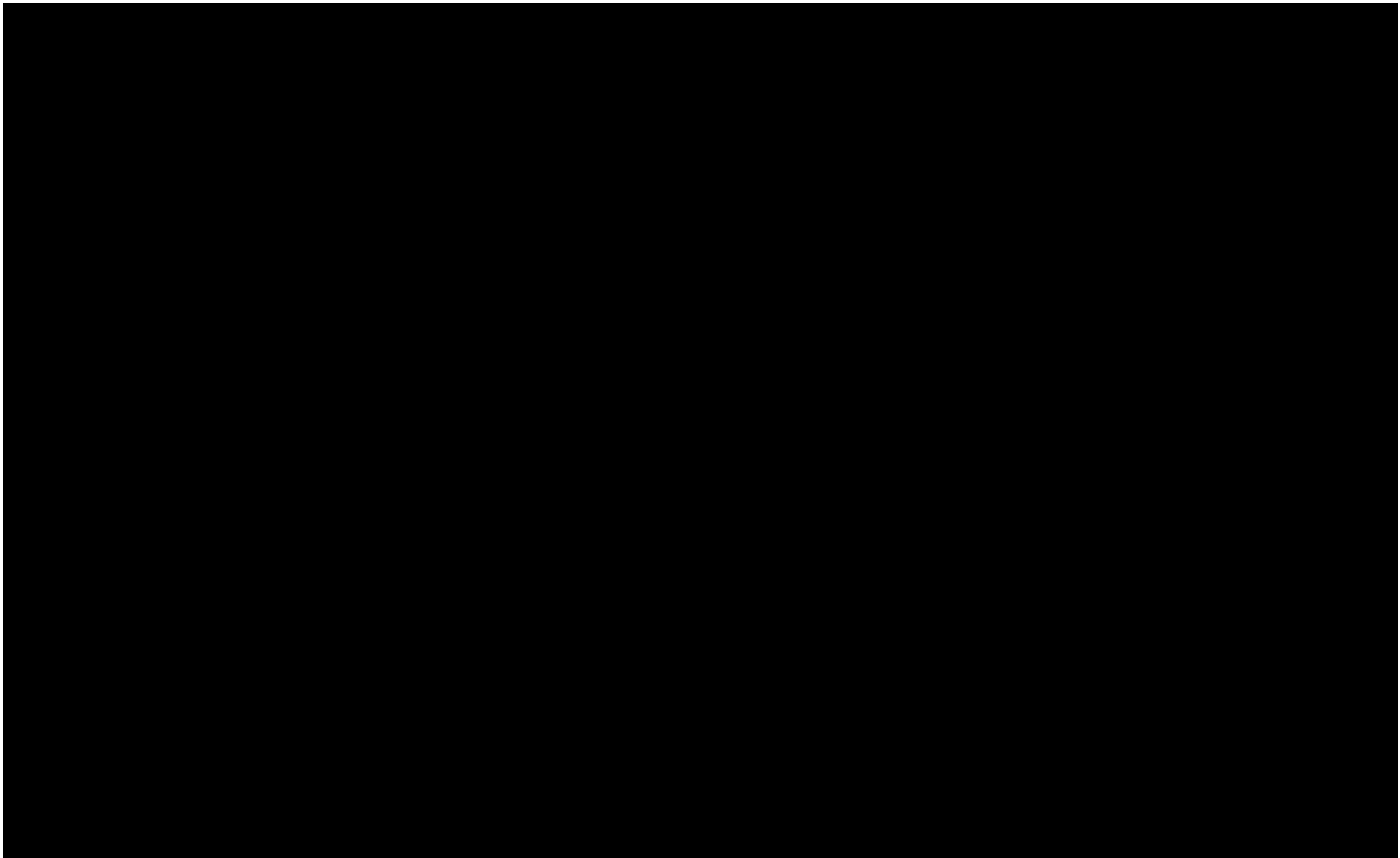
17 A But the person is the borrower. It says "if the  
18 person is not a borrower." Person on the phone,

[REDACTED]

20 Q what I asked was: Do you agree that  
21 Joshua Schultz, the plaintiff, is not the borrower  
22 as it relates to the loan belonging to

[REDACTED]

24 A I'm sorry, I'm struggling. The statement said if  
25 the person we're calling is not a borrower. So --



14 Q Okay. Do you know, as you sit here today, whether  
15 or not 715-379-9195 has been marked as manual dial  
16 or autodial?

17 A No, I don't because -- no.

18 Q So you don't know whether it has been one way or  
19 the other?

20 A I don't have a relationship with that number.

21 Q What I'm just saying is, as you sit here today,  
22 you don't even know whether it's been marked  
23 autodial or manual dial in that data file?

24 A The Guaranty Corporation doesn't have any  
25 involvement with that number, so no.

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1 A No.

2 Q Let's go then to -- let's go then to GL 1596.

3 Actually, let's just go to -- let's start at

4 GL 1593.

5 A Okay.

6 Q Now, you agree that 1593 through 1598 all relate

8 A Yes.

9 Q And do you agree that Mr. Schultz's -- the  
10 nonparty's current file with Guaranty Corp still  
11 includes the address and cell phone number of  
12 Joshua Schultz, the plaintiff?

13 A The history, yes.

14 Q And it's listed under previous address and phone  
15 number; correct?

16 A Yes.

17 Q And you know, as you sit here today, with

19 previous address and phone number was never that;  
20 correct?

21 A Yes.

23 A Yes.

24 MR. GORSKI: I don't have any other  
25 questions other than the questions that I

1 STATE OF WISCONSIN        )  
2 COUNTY OF DANE            ) ss.

3 I, Taunia Northouse, a Registered Diplomate Reporter  
4 and Notary Public duly commissioned and qualified in and  
5 for the State of Wisconsin, do hereby certify that  
6 pursuant to notice, there came before me on the 20th day  
7 of November 2014, at 9:07 in the forenoon, at the  
8 offices of Michael Best & Friedrich, LLP, Attorneys at  
9 Law, One South Pinckney Street, Suite 700, the City of  
10 Madison, County of Dane, and State of Wisconsin, the  
11 following named person, to wit: BETH ERICKSON, who was  
12 by me duly sworn to testify to the truth and nothing but  
13 the truth of her knowledge touching and concerning the  
14 matters in controversy in this cause; that she was  
15 thereupon carefully examined upon her oath and her  
16 examination reduced to typewriting with computer-aided  
17 transcription; that the deposition is a true record of  
18 the testimony given by the witness; and that reading and  
19 signing was waived.

20 I further certify that I am neither attorney  
21 or counsel for, nor related to or employed by any of the  
22 parties to the action in which this deposition is taken  
23 and further that I am not a relative or employee of any  
24 attorney or counsel employed by the parties hereto or  
25 financially interested in the action.

1                   In witness whereof I have hereunto set my  
2 hand and affixed my notarial seal this 30th day of  
3 November 2014.



4  
5 *Taunika K. Northouse*  
6 Registered Diplomat Reporter  
Notary Public, State of Wisconsin

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9 My commission expires  
May 17, 2015

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